

3/15/05
CHS AN w/ mdo

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JE* D.C.

05 JUN -6 AM 6:48

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

AUGUSTI, et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

NO.: 2:04cv02454-BBD-sta

MOTION

MOTION GRANTED

DATE: 6-3-2005

Bernice Bouie Donald
BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

**MOTION TO POSTPONE FILING
OF THE ADMINISTRATIVE RECORD**

The Federal Election Commission ("Commission") hereby requests that this Court hold in abeyance the filing of the administrative record, due May 26, 2005, until Mr. Augusti officially withdraws the case or hires counsel by May 27, 2005, so that the Court is not unnecessarily burdened with that administrative record. We have been unable to contact Mr. Augusti about this motion.

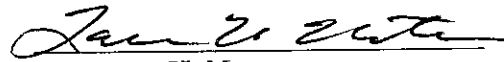
On May 19, 2005, Mark Augusti informed the Commission that he planned to withdraw the case or otherwise not proceed because of Judge Donaldson's ruling of April 26, 2005, dismissing the case as to Mark Augusti and ordering Mark A. Augusti for Congress to hire counsel within 30 days of her ruling or face dismissal for lack of prosecution. Pursuant to Magistrate Judge Anderson's scheduling order dated March 11, 2005, the Commission must file the administrative record in this case on May 26, 2005. The Commission has not yet received official notice from Mr. Augusti or the Court that the case has been withdrawn, and attempts to contact him have not been successful. However, in light of Mr. Augusti's representations about withdrawing the case, the

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 6-7-05

15

Commission requests that it be relieved of its obligation to file the administrative record until the status of the case is resolved, which should occur within a few days. The Commission is prepared to file the administrative record with 48 hours notice.

Respectfully submitted,



Lawrence H. Norton
General Counsel

Richard B. Bader
Associate General Counsel



Colleen T. Sealander
Assistant General Counsel



Holly J. Baker
Attorney

FOR THE DEFENDANT
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 694-1650
(202) 219-0260 (fax)

May 25, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 15 in case 2:04-CV-02454 was distributed by fax, mail, or direct printing on June 7, 2005 to the parties listed.

Holly J. Baker
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

Mark A. Augusti
488 Tree Top Cv.
Cordova, TN 38018

Colleen T. Sealander
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

Honorable Bernice Donald
US DISTRICT COURT